

Remarks

Applicants note that the article entitled "PACS at Work: A Multimedia E-Mail Tool for the Integration of Images, Voice and Dynamic Annotation", which was cited in an Information Disclosure Statement filed on 21 August 2001, was not initialed as considered by the Examiner on Form PTO-1449. Applicants respectfully request that the Examiner consider this article, and have enclosed a duplicate copy for the Examiner's convenience.

Claim 12 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,272,470 ("Teshima"). Claims 1–6 and 8–11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teshima in view of U.S. Patent 6,397,224 ("Zubeldia"). Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teshima in view of U.S. Patent 6,415,295 ("Feinberg").

Claim Rejections Under § 102(e) based on Teshima.

Independent Claim 12 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,272,470 ("Teshima").

Teshima discloses an electronic clinical recording system capable of handling an electronic record of a patient's consultation record (Abstract). In the Teshima system, patient data is fetched from a measuring instrument directly into a computer, and is put in a file. The file is then referenced in a consultation record, which is stored in a patient card (5:9–15). Alternatively, the patient data can be stored directly on the patient card (5:22–31).

In contrast to the system disclosed in Teshima, amended Claim 12 recites, among other elements:

...updating means for updating the stored personal data wherein the updating means comprises a database management server that interacts with the Internet web browser so as to allow **updating of the stored personal data by the patient**. [*emphasis added*]

Applicants have amended Claim 12 to clarify that the stored personal data can be updated "by the patient" to whom the data relates. Although Teshima discloses updating of a patient consultation record, and using an internet browser to **view** patient

consultation records (9:40–53), Teshima does not teach the elements cited above. In particular, Teshima teaches neither “updating of the stored personal data by the patient” nor “a database management server that interacts with the Internet web browser so as to allow updating of the stored personal data....” Indeed, Teshima actually **teaches away** from the cited elements, since Teshima teaches that patient data is fetched from the measuring instrument directly into a computer file, which is then referenced in a consultation record (5:9–15).

In the Office Action, the Examiner asserts that Teshima teaches the claimed elements at 14:9–25. This passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as an image file, is transmitted to an email address. The computer receiving the email detects the receipt of the image file, launches an image viewer, and displays the image. Notably, this passage contains no disclosure of “updating of the stored personal data,” but rather only discloses a system for **viewing** personal data using a web interface.

The Examiner also asserts that Teshima teaches the claimed elements at 15:3–29. Again, this passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as a blood pressure data file, is transmitted to browser. Although the Teshima web browser requests the establishment of an HTTP connection to a database, this does not equate to a teaching of “a database management server that interacts with the Internet web browser so as to allow updating of the stored personal data.” Notably, the passage cited by the Examiner only discloses a system for **viewing** personal data using a web interface.

Based on the foregoing, Applicants submit that Teshima does not anticipate Claim 12, and respectfully suggest that Claim 12 is in condition for allowance.

Claim Rejections Under § 103(a) based on Teshima and Zubeldia.

Claims 1–6 and 8–11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teshima in view of U.S. Patent 6,397,224 (“Zubeldia”). Claims 2–5 depend from independent Claim 1, and Claims 8–11 depend from independent Claim 6.

Zubeldia discloses a patient data record management system that is capable of identifying data records that are related to a particular individual. The system is also

Application 09/781,605
Amendment Dated 20 August 2004
Reply to Office Action Mailed 23 February 2004

capable of anonymously linking related data records, thereby allowing such records to be used in medical research studies without compromising patient confidentiality (2:43–49).

In contrast to the systems disclosed in Teshima and Zubeldia, amended Claim 1 recites, among other elements:

...the Internet browser interacts with the database management server so as to allow updating, **by the patient**, of the personal data stored on the database management server. *[emphasis added]*

Applicants have amended Claim 1 to clarify that the stored personal data can be updated “by the patient” to whom the data relates. Although Teshima discloses updating of a patient consultation record, and using an internet browser to **view** patient consultation records (9:40–53), Teshima does not teach the elements cited above. In particular, Teshima teaches neither that “the Internet browser interacts with the database management server so as to allow updating ... of the stored personal data,” nor that the personal data can be updated “by the patient” to whom the data relates. Moreover, Teshima actually **teaches away** from the cited elements, since Teshima teaches that patient data is fetched from the measuring instrument directly into a computer file, which is then referenced in a consultation record (5:9–15). Furthermore, the Examiner has proffered no argument that Zubeldia teaches any deficiencies of Teshima with respect to Claim 1.

In the Office Action, the Examiner asserts that Teshima teaches the claimed elements at 14:9–25. This passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as an image file, is transmitted to an email address. The computer receiving the email detects the receipt of the image file, launches an image viewer, and displays the image. Notably, this passage contains no disclosure of that “the Internet browser interacts with the database management server so as to allow updating, by the patient, of personal data,” but rather only discloses a system for **viewing** personal data using a web interface.

The Examiner also asserts that Teshima teaches the claimed elements at 15:3–29. Again, this passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as a blood pressure data file, is transmitted to browser. Although the Teshima web browser requests the

Application 09/781,605
Amendment Dated 20 August 2004
Reply to Office Action Mailed 23 February 2004

establishment of an HTTP connection to a database, this does not equate to a teaching that "the Internet browser interacts with the database management server so as to allow updating, by the patient, of personal data." Notably, the passage cited by the Examiner only discloses a system for **viewing** personal data using a web interface.

In view of the foregoing, Applicants submit that the combination of Teshima and Zubeldia does not render Claim 1 unpatentable, and therefore respectfully suggest that Claim 1 is in condition for allowance. Furthermore, because Claims 2–5 depend from Claim 1, Applicants submit that Claims 2–5 are allowable over Teshima and Zubeldia for the same reasons that Claim 1 is allowable.

Likewise, in contrast to the methods disclosed in Teshima and Zubeldia, amended Claim 6 recites, among other elements:

...the personal data residing on the database management server can be updated
by the patient using an Internet web browser interface.... *[emphasis added]*

Applicants have amended Claim 6 to clarify that the personal data residing on the database management server can be updated "by the patient" to whom the data relates. Although Teshima discloses updating of a patient consultation record, and using an internet browser to **view** patient consultation records (9:40–53), Teshima does not teach the elements cited above. In particular, Teshima teaches neither that the personal data "can be updated ... using an Internet web browser interface," nor that the personal data can be updated "by the patient" to whom the data relates. Indeed, Teshima actually **teaches away** from the cited elements, since Teshima teaches that patient data is fetched from the measuring instrument directly into a computer file, which is then referenced in a consultation record (5:9–15). Furthermore, Zubeldia merely discloses a database containing personal information, and does not disclose that "the personal data residing on the database management server can be updated ... using an Internet web browser interface". Thus, even if the teachings of Teshima and Zubeldia are to be combined, the cited elements of Claim 6 are not provided by either of these references.

In the Office Action, the Examiner asserts that Teshima teaches the claimed elements at 14:9–25. This passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as an image

file, is transmitted to an email address. The computer receiving the email detects the receipt of the image file, launches an image viewer, and displays the image. Notably, this passage contains no disclosure that "the personal data residing on the database management server can be updated by the patient using an Internet web browser interface," but rather only discloses a system for **viewing** personal data using a web interface.

The Examiner also asserts that Teshima teaches the claimed elements at 15:3–29. Again, this passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as a blood pressure data file, is transmitted to browser. Although the Teshima web browser requests the establishment of an HTTP connection to a database, this does not equate to a teaching that "the personal data residing on the database management server can be updated by the patient using an Internet web browser interface." Notably, the passage cited by the Examiner only discloses a system for **viewing** personal data using a web interface.

In view of the foregoing, Applicants submit that the combination of Teshima and Zubeldia do not render Claim 6 unpatentable, and therefore respectfully suggest that Claim 6 is in condition for allowance. Furthermore, because Claims 8–11 depend from Claim 6, Applicants submit that Claims 8–11 are allowable over Teshima and Zubeldia for the same reasons that Claim 6 is allowable.

Claim Rejections Under § 103(a) based on Teshima and Feinberg.

Independent Claim 13 and independent Claim 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teshima in view of U.S. Patent 6,415,295 ("Feinberg").

Feinberg discloses a data compression and storage system for personal medical information. Medical data that is compressed based on the occurrence frequency of the information for a particular patient population can be provided on a human and/or computer readable card. Several different data compression techniques are provided; these techniques can be implemented independently or in combination (4:7–27).

In contrast to the apparatuses disclosed in Teshima and Feinberg, amended Claim 13 recites, among other elements:

Application 09/781,605
Amendment Dated 20 August 2004
Reply to Office Action Mailed 23 February 2004

...said personal data is updateable **by the patient** using the Internet web browser.

Applicants have amended Claim 13 to clarify that the personal data can be updated "by the patient" to whom the data relates. Although Teshima discloses updating of a patient consultation record, and using an internet browser to **view** patient consultation records (9:40–53), Teshima does not teach the elements cited above. In particular, Teshima teaches neither that the "personal data is updatable ... using the Internet web browser," nor that the personal data can be updated "by the patient" to whom it relates. Indeed, Teshima actually **teaches away** from the cited elements, since Teshima teaches that patient data is fetched from the measuring instrument directly into a computer file, which is then referenced in a consultation record (5:9–15).

In the Office Action, the Examiner asserts that Teshima teaches the claimed elements at 14:9–25. This passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as an image file, is transmitted to an email address. The computer receiving the email detects the receipt of the image file, launches an image viewer, and displays the image. Notably, this passage contains no disclosure that the "personal data is updatable by the patient using the Internet web browser," but rather only discloses a system for **viewing** personal data using a web interface.

The Examiner also asserts that Teshima teaches the claimed elements at 15:3–29. Again, this passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as a blood pressure data file, is transmitted to browser. Although the Teshima web browser requests the establishment of an HTTP connection to a database, this does not equate to a teaching that the "personal data is updatable by the patient using the Internet web browser." Notably, the passage cited by the Examiner only discloses a system for **viewing** personal data using a web interface.

The Examiner also asserts that Teshima teaches the claimed elements at 16:50–59. This passage of Teshima merely describes an algorithm for updating links to image data registered in the consultation records. When new images are stored in Teshima's image server, updated link information used to refer to the images in the

Application 09/781,605
Amendment Dated 20 August 2004
Reply to Office Action Mailed 23 February 2004

image server is produced, and the records are correspondingly updated. Significantly, this describes a process for updating **links** to images in the consultation records. This does not describe that the personal data is "updateable by the patient using the Internet web browser," as recited in Claim 13.

Nor does Feinberg teach the elements cited above. Thus, even if the teachings of Teshima and Feinberg are to be combined, the cited elements of Claim 13 are not provided by either of these references. Therefore, Applicants submit that Teshima and Feinberg do not render Claim 13 unpatentable, and respectfully suggest that Claim 13 is in condition for allowance.

Likewise, in contrast to the systems disclosed in Teshima and Feinberg, amended Claim 14 recites, among other elements:

...the personal data stored on the database management server is updateable by
the patient via the Internet web browser.

Applicants have amended Claim 14 to clarify that the personal data can be updated "by the patient" to whom that data relates. Although Teshima discloses updating of a patient consultation record, and using an internet browser to **view** patient consultation records (9:40–53), Teshima does not teach the elements cited above. In particular, Teshima teaches neither that "the personal data stored on the database management server is updateable ... via the Internet web browser," nor that the personal data can be updated "by the patient" to whom the data relates. Indeed, Teshima actually **teaches away** from the cited elements, since Teshima teaches that patient data is fetched from the measuring instrument directly into a computer file, which is then referenced in a consultation record (5:9–15).

In the Office Action, the Examiner asserts that Teshima teaches the claimed elements at 14:9–25. This passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as an image file, is transmitted to an email address. The computer receiving the email detects the receipt of the image file, launches an image viewer, and displays the image. Notably, this passage contains no disclosure that "the personal data stored on the database management server is updateable by the patient via the Internet web browser," but rather only discloses a system for **viewing** personal data using a web interface.

The Examiner also asserts that Teshima teaches the claimed elements at 15:3–29. Again, this passage of Teshima merely teaches that when a particular link is clicked using a web browser, a file corresponding to that link, such as a blood pressure data file, is transmitted to browser. Although the Teshima web browser requests the establishment of an HTTP connection to a database, this does not equate to a teaching that “the personal data stored on the database management server is updateable by the patient via the Internet web browser.” Notably, the passage cited by the Examiner only discloses a system for **viewing** personal data using a web interface.

The Examiner also asserts that Teshima teaches the claimed elements at 16:50–59. This passage of Teshima merely describes an algorithm for updating links to image data registered in the consultation records. When new images are stored in Teshima’s image server, updated link information used to refer to the images in the image server is produced, and the records are correspondingly updated. Significantly, this describes a process for updating **links** to images in the consultation records. This does not describe that the personal data is “updateable by the patient using the Internet web browser,” as recited in Claim 14.

Feinberg does not teach the elements cited above. Thus, even if the teachings of Teshima and Feinberg are to be combined, the cited elements of Claim 14 are not provided by either of these references. Therefore, Applicants submit that Teshima and Feinberg do not render Claim 14 unpatentable, and respectfully suggest that Claim 14 is in condition for allowance.

Application 09/781,605
Amendment Dated 20 August 2004
Reply to Office Action Mailed 23 February 2004

Conclusion.


Applicant respectfully submits that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

If some issue remains that the Examiner feels can be addressed by an Examiner's Amendment, the Examiner is cordially invited to call the undersigned for authorization.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 20 aug 04

By: 
Kyle F. Schlueter
Registration No. 54,912
Attorney of Record
Customer No. 20,995
(310) 551-3450

AMEND

L:\DOCS\KFS\DATCARD SYSTEMS\DATCAR.003A OFFICE ACTION RESPONSE (SECOND).DOC
081004